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LIMITE

CIREA 64

25

ANGOLA (3)

NOTE

from: Netherlands delegation

to : CIREA

Subject: Situation in Angola

Delegations will find attached a report ⁽¹⁾ from the Netherlands delegation on the situation in Angola.

18/5 98

Holland oplyst, at materiaaler er affertigt tilgængeligt.
LSL

(1) Translated into English only.

This letter reports on those aspects of the situation in Angola which may be of relevance in the assessment of asylum applications from Angolan nationals, including decision-making on whether or not to expel Angolan asylum seekers whose applications have been rejected. It supersedes previous letters concerning the situation in Angola (reference DAZBA-66875 of 25 April 1996 and reference DPC/AM-539267 of 15 January 1997).

This letter has been drawn up using information obtained from EU sources, from western embassies (including the Netherlands embassy) in Luanda and from authoritative governmental and non-governmental organisations (the UNHCR, Amnesty International and Human Rights Watch Africa). Use has also been made of US State Department country reports. A letter of 5 May 1997 from Amnesty International to the Netherlands Refugee Council (*VluchtelingenWerk*) on certain aspects of the situation in Angola has been consulted, as has a letter of 28 May 1997 from the UNHCR Liaison Office at The Hague to the Netherlands Refugee Council. Some points in those letters are specifically raised below.

A map of Angola is attached, as is a copy of a letter of 9 January 1998 from the UNHCR in Geneva concerning enforced repatriation of rejected asylum seekers to Angola.

1. General situation

1.1. Country and people

Angola is the largest Portuguese-speaking country in Africa (approximately 35 times the size of the Netherlands) and consists of 18 provinces, one of which, Cabinda, is separated from the others by a broad swathe of territory of the Democratic Republic of the Congo (ex-Zaire) at the mouth of the River Congo. Angola has a population of about 12 million, 50% of whom are aged under 16 and only 5% of whom are aged over 60. Since civil war broke out in the mid-1970s there has been a drift from rural to urban areas; during that time the capital, Luanda, has seen its population swell from half a million to over 3 million. Some 70% of the working population are engaged in arable and livestock farming.

1.2. History

Unlike the situation in other Portuguese colonies, the Portuguese regime found itself facing not one nationalist independence movement but three rival groupings: the MPLA (Movimento Popular de Libertação de Angola), established in 1956, the FNLA (Frente Nacional de Libertação de Angola), established in 1962, and UNITA (União Nacional para a Independência Total de Angola), established in 1966.

In 1974 Agostinho Neto was appointed leader of the MPLA. Later that year agreements were concluded between the MPLA and UNITA and between UNITA and the FNLA. In January 1975 the three parties produced a joint political platform. In the same month agreement was reached with the Portuguese government on the date of Angola's independence: 11 November 1975. During the first half of 1975, in spite of the January pact, fighting broke out between the MPLA and the FNLA. The FNLA was driven out of Luanda and UNITA became involved in the conflict. In October the MPLA held control of 12 of the 18 provincial capitals. All parties received considerable foreign financial and military assistance, the MPLA from eastern bloc countries and UNITA and the FNLA from the USA and other western countries.

In October 1975 South Africa invaded Angola in support of UNITA and the FNLA and in November Cuban troops arrived to fight alongside the MPLA. Despite the fighting, independence was proclaimed on 11 November 1975, as previously agreed, by the MPLA in Luanda, by UNITA in Huambo and by the FNLA in Carmona. In January 1976 the FNLA army suffered a crushing defeat at the MPLA's hands and South African troops left the country.

In 1977 Neto set the MPLA on a Marxist-Leninist course. When Neto died in 1978, he was succeeded by the present President, José Eduardo dos Santos.

In 1988 Cuba, the USA and South Africa concluded an agreement linking the withdrawal of Cuban troops to Namibia's independence. In order to monitor the withdrawal of Cuban troops, the United Nations Security Council decided to establish a UN Angola Verification Mission (UNAVEM), composed of 60 military observers from ten countries, for a 31-month assignment. In 1990 both the government and UNITA made significant political concessions. UNITA recognised dos Santos as head of state and accepted the MPLA government as an interim government, pending the holding of elections. The MPLA in turn agreed that Angola would evolve towards a multi-party state. These developments led in May 1991 to the Estoril agreement (also known as the Bicesse accords), providing for a cease-fire and an end to foreign military assistance both for the government and for UNITA as well as the establishment of a national army (Forças Armadas de Angola (FAA)), composed of equal numbers of UNITA and government troops. There was a limited peace-keeping force (UNAVEM II) to supervise compliance with the agreement. Free, democratic elections were to be held in late 1992. The allowing of opposition parties spawned numerous political parties, which initially gained considerable support at the expense of the MPLA and UNITA.

In order to counter the development of ethnically-based movements, parliament passed legislation requiring every party to have members in at least 14 of the 18 provinces. That requirement works against the FLEC (Frente de Libertação do Enclave de Cabinda) separatist movement, which advocates the secession of Cabinda province from Angola.

Implementation of the Estoril agreement ran into considerable delay, with each side accusing the other of impeding it. Parliamentary and presidential elections were nevertheless held on 29 and 30 September 1992, with a turnout of nearly 90% of the electorate, except in Cabinda, where the FLEC had called on its supporters to boycott the elections. The elections were monitored by 800 international observers, who pronounced them fair. When preliminary results showed the MPLA to have won a majority in the National Assembly, Savimbi accused the government of electoral fraud. On 5 October 1992 he withdrew his UNITA troops from the combined government army. According to the official results announced on 17 October, the MPLA had won 129 of the National Assembly's 220 seats and UNITA 70. The election results sparked off fighting between UNITA and MPLA supporters, first in Luanda and then in various other places. By late October hostilities had spread throughout Angola and the majority of UNITA's demobilised troops been rearmed. Civil war had broken out again with renewed intensity.

The peace talks held in Lusaka during 1993 were aimed at upholding the Estoril agreement and persuading UNITA to recognise the election results. On 20 April 1994 agreement was reached on four points designed to ensure the free and fair conduct of the second round of the presidential elections. Those elections were to be held because dos Santos had in 1992 just failed to win the required 50% of the votes. The four points concerned restoring state authority throughout the country, security guarantees, freedom of expression and reinstatement of air and road links to ensure free movement of people and goods. The UN was entrusted with supervising compliance and deciding at what point conditions were right for elections to be held. However, it was not until 20 November 1994 that the peace agreement was signed in Lusaka (the Lusaka Protocol). Even then, though, hostilities continued, although large-scale armed combat was at an end. In February 1995 the Security Council adopted Resolution 976, establishing UNAVEM III, composed of 7 000 troops, 350 military observers, 260 police observers and 350 civilian staff.

Talks between Savimbi (UNITA) and dos Santos (MPLA) culminated in 1996 in agreement to form a government of national unity and reconciliation (Governo de Unidade e Reconciliação Nacional (GURN)) in accordance with the Lusaka Protocol. That government eventually took office on 11 April 1997. On 9 April 1997 parliament (the National Assembly) was sworn in, with the UNITA opposition party for the first time taking up the 70 seats which it had won in 1992. The major figure missing at the inauguration, attended by the Portuguese President and the Presidents of the Portuguese-speaking African countries, was UNITA's leader, Jonas Savimbi.

The last provincial capital still in UNITA hands, M'banza Congo (Zaire province), has recently been brought under government control. If government control at the lowest administrative level, the local authorities, is to be secured, there is still a great deal of work to be done and confidence to be gained so as actually to make a success of the peace process on the ground.

In the government-run west of the country, reconstruction is slowly but surely getting under way. In Luanda especially, people are again investing in their own housing and small businesses. Clearly, however, the parlous political situation may prove to hamper full-scale reconstruction.

1.3. Recent developments

1.3.1. Progress of the peace process and demobilisation

Over the last few months, the peace process has made little headway. The first half of 1997 saw an increase in armed skirmishing between the government army and UNITA. Demobilisation of UNITA troops, as required under the Lusaka Protocol, has made only slow progress. UNITA has stated that, instead of the previously established figure of 26 300 demobilised UNITA troops being incorporated into the government army, only 18 000 of its former soldiers need be incorporated. Selection of demobilised UNITA soldiers has now been completed and only 12 300 turn out to have been brought into the ranks of the government army. In police selection, it had been agreed that UNITA would be allowed to provide 5 500 police officers; accommodation was found for 5 043 UNITA policemen, but only 600 of them were in the end supplied.

UNITA's present military strength remains unclear. UNITA states that its army now consists only of Savimbi's personal bodyguard (probably 4 000 strong), while estimates from other sources range from 15 000 to 45 000. In Lunda Norte province, heavy fighting is reported to have broken out for control of the diamond-producing areas. In Bié province as well, the government army is said to be preparing a military offensive. The mandate of the UN peace-keeping force, UNAVEM III, due to expire in February 1997, was extended several times and eventually came to an end on 1 July 1997.

According to an interview given by UNITA's former Secretary-General, who had fled UNITA territory for Luanda, to the newspaper "Jornal de Angola" (see also section 3.1), UNITA is divided into two camps: the radicals, who never supported the Lusaka Protocol (let alone its implementation) and those advocating peace. The division between those two groups may influence the peace process for the better or for the worse.

1.3.2. Role of the United Nations

UNAVEM III has been succeeded by UNOMA (the United Nations Observer Mission in Angola), composed of 2 508 troops, 237 military observers, 274 police observers and 113 staff officers. UNOMA (now known by the Portuguese acronym MONUA) has been operational since 1 July 1997. The phased scaling down of MONUA to an observer mission, as originally intended, is expected to be carried out in early 1998.

As a result of UNITA's unwillingness to fulfil the Lusaka Protocol requirements, on 28 August 1997 the Security Council adopted a Resolution once again demanding that UNITA demilitarise all its forces, convert radio Vorgan from a mouthpiece for UNITA propaganda into a normal radio station and cooperate fully in establishing state administration throughout Angola. UNITA is further required immediately to provide complete information on the strength of all armed forces under its command, including Savimbi's personal security detachment, UNITA personnel returning from abroad and the so-called "mining police". The Security Council also called on all states to impose tough travel restrictions on senior UNITA officials and adult members of their immediate families, close down all UNITA offices outside Angola and prohibit all air traffic to and from UNITA territory.

Those measures came into force on 30 October 1997. UNITA has not as yet made any angry response to the implementation of the Resolution, although the peace process has met with further delay.

1.4. Security situation

The general security situation in Angola is far from satisfactory. There are bandits in operation throughout Angola. Nor is it inconceivable that their operations will merely expand as more soldiers are demobilised. This makes travel to some part of the country practically impossible. Although in various parts of Angola fighting still takes place regularly between the government army and UNITA troops, it is in principle possible to travel between UNITA territory and government territory. Travel to government territory is, however, hampered on UNITA's side by the holding of travellers' relatives in such cases as "security" for their return to UNITA territory.

Generally speaking, it is possible to travel in the west of Angola and a number of corridors into the east of the country. Parts of the centre of the country and most of the east are in UNITA hands. With positions frequently shifting, it is not easily possible to pinpoint the areas in question.

Mine clearance trends are worrying. Only 8% of 1 532 known minefields have been cleared (main roads having in fact already been cleared of mines as far as possible). In some parts of the country (including Malanje, Lunda Norte and Lunda Sul provinces), mines are once again being laid. In Moxico province, roads cleared of mines have reportedly now been re-mined.

Despite the government and UNITA having committed themselves to free movement of people and goods in Angola, local authorities and troops on both sides continue to restrict free passage of local people, aid agencies and UN observers. The re-mining of de-mined main roads also hampers freedom of movement.

In the south-west of Angola there is an area of rampant banditry, making it impossible to travel there without the escort of an armed convoy. Hardly any road traffic between Benguela and Lubango or Benguela and Namibe is possible. In the north-east (particularly Lunda Norte province) lie the diamond-producing areas, where both UNITA and private individuals have interests and might is right.

Since Laurent Kabila's AFDL (Alliance des Forces Démocratiques pour la Libération du Congo) seized power in the Democratic Republic of the Congo (ex-Zaire), heavily armed and well-trained UNITA troops have entered Angola from that country, both from the north and from the east (figures range from 7 500 to over 25 000) ⁽¹⁾. Those groups have been further reinforced by troops loyal to ex-President Mobutu of Zaire. A convoy from the north has already reportedly penetrated as far as Malanje province without meeting any resistance.

1.5. Social and economic situation

The Angolan economy is heavily dependent upon oil production. Economic growth rates of 12,5% in 1995 and 9% in 1996 are almost entirely attributable to the boom in oil production (which now stands at over 700 000 barrels a day). A growth rate of 8,5% was expected for 1997. New oilfields have been discovered off the Angolan coast. The second mainstay of the Angolan economy is diamond production, largely, as already mentioned, in UNITA hands. There is a lack of openness about earnings from both oil and diamond production, leaving it unclear where that sizeable revenue goes. Corruption is at present holding back rapid economic progress. Inflation fell from 3 780% in 1995 to 1 650% in 1996 ⁽²⁾. Prices of

⁽¹⁾ A large proportion of UNITA's troops are generally assumed to have been stationed in former Zairian territory.

⁽²⁾ Economist Intelligence Unit country report on Angola for the first quarter of 1997.

basic necessities are high, as local production remains very low and nearly everything has to be imported. The most recent known unemployment rate (1995) stood at 45% ⁽¹⁾.

Socially and economically, Angola is a very poor country; among other things, this is reflected in low per capita income (USD 50 to 100 a month in Luanda and USD 10 elsewhere in the country), very inadequate health care and a very high infant mortality rate.

There is no social security system. In needy cases, a network of relatives and friends (or assistance from church bodies or international aid agencies) has to come to the rescue. Families are often incomplete, partly as a result of the war. Regular supplies of running water and electricity are frequently unavailable. Although there is not at present any famine, the threat of it always remains, should no rain fall. As in so many African countries, there is hardly any middle class. However, the elite also to be found in Angola manages to rise above poverty, enjoying the requisite privileges.

1.6. Entry and exit procedures

Angolans are free to enter and leave the country, provided they hold a passport (usually hard to come by) and, on leaving, an exit visa. Border control checks are carried out by the DNEFA (Direcção Nacional de Emigração e Fronteiras de Angola) and by customs officers. Checks at Luanda airport are tight. At land borders, on the other hand, hardly any checks are carried out.

1.7. Situation in Cabinda

In the Cabinda enclave, from which the bulk of Angola's oil production comes, there are still various independence movements in operation, springing from the original FLEC (Frente de Libertação do Enclave de Cabinda): the FLEC-FAC (Forças Armadas de Cabinda), the FLEC-Renovada and the FDC (Frente Democrática de Cabinda). The conflict is confined to the enclave itself. In 1995 the government and the FLEC-Renovada agreed on a truce, extended in July 1996, but now no longer recognised by the FLEC-Renovada. In May 1996 a cease-fire was agreed on in principle with the FLEC-FAC, although the latter is not observing it. Fresh talks have proved fruitless. The FLEC-FAC accuses the government of trying to drive a wedge between the liberation movements, while the government puts the lack of agreement down to internal squabbling within the FLEC-FAC. In 1996, negotiations with the FDC broke down. It remains the government's aim, however, first to agree on a cessation of hostilities with all parties and then, on the basis of joint proposals from the liberation movements, to discuss political problems. In the government's view, however, independence for Cabinda is not an issue for discussion. The liberation movements have so far been unable to put forward any joint proposals. They have, though, agreed on better coordination of their military action against the government. This has worsened the prospects for a peaceful settlement in Cabinda.

⁽¹⁾ UNICEF annual report on Angola for 1996.

2. Human rights

2.1. In general

In constitutional form, Angola is a parliamentary democracy along presidential lines. The last elections were held in 1992 and, under the Lusaka Protocol, the parliamentary elections due in 1996 have been postponed for from two to four years. Presidential elections are to be held when the UN determines conditions to be right for them. The present government of national unity and reconciliation and parliament (the National Assembly), constituted on the basis of the 1992 elections, have officially been in office only since April 1997. The government includes four UNITA ministers, holding the portfolios of mineral resources and mining, trade, hotels and tourism, and health.

In 1975 the MPLA regime adopted a constitution for Angola upon independence. The constitution, last amended in July 1995, is designed to safeguard individual human dignity. All citizens are equal in the eyes of the law and subject to the same duties. The constitution recognises freedom of assembly, demonstration, association and expression. However, activities contrary to the established constitutional order or against the law are not allowed. Angola is a party to the following human rights instruments: the Convention relating to the Status of Refugees (Geneva, 1951), the International Covenant on Economic, Social and Cultural Rights (New York, 1966), the International Covenant on Civil and Political Rights (New York, 1966), the Optional Protocol to the International Covenant on Civil and Political Rights (New York, 1966), the Protocol relating to the Status of Refugees (New York, 1967), the Convention on the Elimination of All Forms of Discrimination against Women (New York, 1979) and the Convention on the Rights of the Child (New York, 1989).

So far as is known, there is one independent Angolan human rights organisation in operation in Luanda (Associação Angolana dos Direitos Humanos (AADH)). There are also European Union human rights observers working in Angola. Attached to MONUA is a human rights unit to monitor human rights observance and report violations. The last two organisations have in this connection been able to visit Angolan prisons. It is unclear (as yet) to what extent those organisations have any influence over improvements in the human rights situation in Angola.

Corruption is very widespread in Angola, even in the judiciary and the police.

2.2. In practice

It is a common occurrence for the army and police to commit crimes of violence (robbery, abduction, rape and murder). Although most of them are committed by underpaid members of or deserters from those forces, there are also reports of some such crimes of violence having been instigated by the government. In any event the government does not take sufficient steps to punish the offenders. In UNITA territory, most crimes committed by soldiers and police are economically motivated (usually involving extortion rackets such as seizure of motor vehicles, livestock and/or valuables).

There is some evidence of the Angolan police having executed offenders caught in the act, without any kind of trial. Members of security services have also reportedly been guilty of extrajudicial executions. The Angolan authorities do not take sufficient steps to punish the offenders. There is no information available on extrajudicial executions in UNITA territory; presumably, they do occur there.

In June 1996 a mass grave, found to contain over 100 bodies, was discovered near the locality of Soyo in Zaire province. Soyo was occupied by UNITA from May 1993 until June 1994 and then regained by government forces. The discovery of further mass graves cannot be ruled out, given the estimated 500 000 people killed in or as a result of the civil war.

The government and UNITA each accuse the other of abducting civilians. UNITA-controlled territory, in particular, is prone to arbitrary arrests and disappearances. Some 78 UNITA prisoners are classed as missing by the International Red Cross. Many of them are feared to have perished in captivity.

Although torture is officially prohibited in Angola, maltreatment and inadmissible interrogation methods are still practised by the police. Suspects are often maltreated by the police and then released, instead of being brought before a magistrate. Torture is also carried out in prisons. Both the government and the parliamentary human rights committee have acknowledged that conditions in prisons are inhuman, even in their eyes. Cells are overcrowded and elementary sanitary facilities lacking. Owing to shortage of funds, many prisons are unable to feed the prisoners and provide them with medical care. Prisoners have to rely on relatives, friends and international aid agencies to look after them. Many prisoners have died of malnutrition or tuberculosis.

By law, only someone caught in the act of committing a crime can be arrested on the spot and taken into custody straight away. In other cases, an arrest warrant, signed by a magistrate or provincial court judge, is required. Arrest warrants may also be signed by members of the criminal investigation police, but have then to be confirmed by a magistrate within five days. In practice these requirements often go unobserved.

Although the Angolan constitution establishes the independence of the judiciary, this does not always hold good in practice. Inadequate resources, experience and training contribute to leaving the judiciary not entirely free from the influence of the President and the MPLA. In addition, the judicial system has been severely affected by the civil war and is in large parts of the country barely, if at all, in operation. The President has a considerable say in the appointment of judges, including Supreme Court judges. At the end of last year, 12 of the 16 seats on the bench of the Supreme Court were vacant. Cases involving political and security offences come within the jurisdiction of the Supreme Court. There are no known instances of such trials. There are, however, credible reports of the holding of political prisoners, albeit in unknown numbers. In 1993 the cabinet decided to transfer supervision of the judiciary and administration of prisons from the Ministry of the Interior to the Ministry of Justice. However, the transfer has still not been carried out.

So far as is known, UNITA still operates its own military and civil legal system in territory controlled by it. According to UNITA, the code of civil law applied by it is similar to Portuguese civil law, but this is impossible to check. Judges are appointed by UNITA's leader, Jonas Savimbi, in person. Trials are not conducted in public. The accused does reportedly have access to counsel.

The government makes use of a sophisticated security apparatus engaged in surveillance, monitoring and wiretapping of certain groups, including journalists, opposition leaders, members of parliament and foreign diplomats. A court warrant is required in order to search premises, but the police frequently act on their own authority, as in July and August 1996 for a large-scale operation searching for arms among the civilian population in urban areas. In August 1996 the authorities launched the "Cancer II" operation, aimed at expelling illegal immigrants from the country. Illegal immigrants apprehended (Malian, Lebanese, Gabonese, Zairian and other foreign nationals) were often held for longer than 72 hours.

Capital punishment cannot now be imposed in Angola, since 1992. UNITA has also abolished the death penalty, on 19 June 1996. No recent details are available on this point.

The constitution establishes freedom of expression and freedom of the press, expressly stipulating that the press cannot be subjected to political, ideological or artistic censorship. In practice the government does not respect those freedoms. People can expect reprisals if they publicly criticise the government or the MPLA or publicly denounce social ills. Such reprisals may range from bureaucratic harassment to threats or even assassination attempts. The government tries to counter such criticism by monitoring political meetings and restricting access to them. Journalists from the few independent media sources are intimidated into a considerable degree of self-censorship.

The only Angolan daily newspaper, the "Jornal de Angola", appearing in Luanda with a circulation of around 8 000 copies, is published by the government. Apart from the "Jornal de Angola", there are also a few weekly, fortnightly or monthly publications. The "Kwacha Review" is a UNITA weekly, published in English. The sole television station, TPA (Televisão Popular de Angola), and the main radio broadcaster, RNA (Rádio Nacional de Angola), are government-controlled. Radio Vorgan (Voz da Resistência do Galo Negro) is UNITA's clandestine broadcaster. The government has offered recognised political parties radio and television broadcasting time, but access to this is restricted to the government-controlled media. A UN broadcasting station has never actually been set up, as a result of foot-dragging by the Angolan government. MONUA does, as did UNAVEM, have regular broadcasting slots on Angolan state television (TPA), where programmes are stated to be shown on MONUA's sole responsibility.

In UNITA-controlled areas, so far as is known, no criticism of the party at all is tolerated.

The constitution establishes **freedom of association and assembly**, but the government is entitled by law to ban associations on security grounds. The government strictly supervises both associations and assemblies. In May 1996 the rapid intervention police twice stepped in to prevent planned demonstrations. Also in May 1996 a German Catholic priest was arrested for displaying placards decrying deteriorating economic conditions in Luanda. The public prosecutor argued that the crowd attracted by the placards contravened the law on assembly and demonstrations, which requires government approval for meetings which might jeopardise public order.

In UNITA-controlled territory there is no freedom of association and assembly.

The constitution establishes **freedom of movement and settlement** in Angola. In practice, however, those freedoms are not always respected. Both the government and UNITA have committed themselves, as part of the peace process, to allowing free movement of people and goods, but local authorities and military commanders in many areas continue to impose restrictions. Nevertheless, many main roads have been cleared of mines and some of the Angolan refugees in neighbouring countries have returned, as have some of the internal refugees (see also section 4 on repatriation).

The constitution also establishes freedom to leave and enter the country.

Angolan law does not allow **conscientious objection**. Under the 1994 military penal code, desertion is punishable in peacetime by a prison sentence of from two to eight years and in wartime or in action by a prison sentence of from eight to twelve years. In view of the large number of troops to be demobilised, desertion now in practice goes unpunished. Moreover, potential conscripts with "contacts in the right places" or sufficient money are able to stay out of the army.

The constitution establishes **freedom of religion**, including the separation of church and state. That right is in practice respected by the government.

The constitution confers on all citizens above the age of majority (i.e. those over 18) the right to vote in direct elections by secret ballot for the president and members of parliament. The president is elected by an absolute majority.

2.3. Position of particular groups

2.3.1. Ethnic groups

There is no evidence of any discrimination on grounds of race or membership of an ethnic minority in Angola ⁽¹⁾. This thus also holds true for Bakongos. There is no reason to believe the situation to be any different for leaders or members of movements furthering the interests of Bakongos ⁽²⁾. Movements such as the MAKO (Movimento para a Autodeterminação do Kongo) and the FFAKO (Frente Federativa para a Autodeterminação do Kongo), working for the right of self-determination for the Bakongo community and its homeland (comprising the provinces of Uíge, Zaire and part of Bengo and Kwanza Norte), are mainly active abroad (in western Europe).

The Khoi, belonging to the Hottentots and Bushmen, found in the south of Angola, play no part in economic and political life and therefore have only marginal scope for influencing government decisions affecting their interests.

The cultures of the various population groups in Angola are in fact regarded by the authorities as an asset. Local cultures are held in esteem, with attention paid to regional languages (the daily television news also being broadcast in a number of regional languages). Newspapers regularly print articles on the various cultural customs of Angola's peoples.

2.3.2. People from Cabinda

The identity papers of inhabitants of Cabinda are in general closely checked upon arrival in Luanda. The main reason for this, so far as is known, is that inhabitants of ex-Zaire frequently try to enter Angola illegally via Cabinda province. Finally rejected asylum seekers claiming to be supporters or members of any of the separatist movements active in Cabinda do not, so far as is known, run any increased risk of suffering human rights violations on returning to Angola. The chance that any individual customs officer or other official might consider a repatriated Angolan asylum seeker from Cabinda to be a supporter or member of those movements is so small that the risk of this can be virtually ruled out ⁽³⁾. Moreover, most of Cabinda's separatist movements operate quite openly. They have become established institutions in Cabinda. Although it is not inconceivable that the Angolan security services keep an eye on the activities of supporters and members of Cabinda's separatist movements, they do not in general experience any difficulties with the authorities in carrying on their activities, provided these remain political and not military in nature (see here section 3 on persecution).

⁽¹⁾ Based on information from the Netherlands embassy in Luanda and information from an EU Member State. Nor do the US State Department country reports for 1996 make any mention of discrimination or other human rights violations in Angola on account of membership of a particular population group.

⁽²⁾ See the relevant comments in point 4 of the letter of 28 May 1997 from the UNHCR Liaison Office at The Hague to the Netherlands Refugee Council.

⁽³⁾ See the relevant comments in the second paragraph on page 12 of the letter of 5 May 1997 from Amnesty International.

2.3.3. Homosexuality

Homosexuality constitutes a punishable offence in Angola, as being contrary to public morality ⁽¹⁾, but is not prosecuted.

2.3.4. Women

In the eyes of the law, women enjoy equal rights with men. Article 21 of the 1991 constitution stipulates that every Angolan citizen has the same rights and duties, both economically and socially, without distinction as to colour, race, ethnic origin, sex, birth, religion or education. Article 3 of the 1988 code of family law expressly establishes the equality of man and wife in marriage. In 1986, Angola also ratified the UN Convention on the Elimination of All Forms of Discrimination against Women.

In everyday life, women are treated as inferior to men. The deterioration in the economic and social situation as a result of the civil war has adversely affected the position of women. While a number of women hold senior posts in the army (especially in the medical corps), in the administration and in political parties, they often work in subordinate positions in public corporations and in business in the private sector. They are also less well paid than their male colleagues. Economic recession is driving many women, even very young girls, into prostitution.

Domestic violence is on the increase. One third of murders of women are said to have been committed by their husbands. As women work on the land to a far greater extent than men, they also far more often fall prey to exploding land mines. In the interior, circumcision of young girls still occurs. That practice is, however, condemned by the authorities.

2.3.5. Children

Educational opportunities and future prospects for children in Angola seem to be looking up with the end of the war. However, the authorities still provide little funding to improve the lot and the future of children. In 1996 less than 6% of the budget went on education and health care together. Schools are inadequately equipped. Tuition is given in three separate shifts a day (morning, afternoon and evening). The authorities do, however, cooperate with international organisations, such as UNICEF, which concern themselves with the large numbers of street children and orphans and try to restore education and health care services. Children's health in Angola continues to give cause for alarm. Angola has the highest child mortality rate in the world. In 1980, 272 children per 1 000 live births died below the age of five. In 1993 the figure had risen to 320.

(1) Hendriks, Tielman and Van der Veen, "The Third Pink Book", p. 253, Prometheus Books, 1993, Buffalo, NY.

As a result of the war many children have lost their parents or been separated from them in fleeing the fighting. Orphanages are overcrowded and there are also large groups of youngsters living on the streets of towns and cities. They have no opportunity to attend school as they have to earn money. They also often have no identity papers, as required for admission to schools. Girls roaming the streets, although less numerous than boys, are often subjected to rape, even by the police. With the assistance of many aid agencies, the Angolan Ministry of Social Affairs has launched a scheme to trace the relatives of such street children and reunite them. In practice, however, the children do not always prove willing to return to their family, the situation there being even worse than on the streets (domestic violence). Families are also sometimes unwilling to take children back, saying they are not in a position to do so.

Many children have taken part in the war, albeit on an as yet unknown scale. With the end of the war, a start has been made on demobilising child soldiers. They are accommodated in demobilisation camps and prepared for being reunited with their families.

The authorities make little effort to improve the rights, position and future prospects of women and children. This is basically left to international aid agencies, including non-governmental organisations (NGOs), present in Angola in large numbers. The authorities and NGOs do cooperate in drawing up mutually agreed long-term plans.

3. Persecution

There is no systematic persecution of particular groups of people in Angola.

3.1. UNITA

There is no reason to believe there still to be any general persecution of (suspected) UNITA members or supporters by the Angolan authorities since the Lusaka peace agreement of November 1994. In spite of delays in the peace process, the Angolan authorities are now cooperating closely with UNITA; UNITA representatives have been given important posts in the (government) army and the administration. Mere membership of that organisation is no reason for people to be arrested. Taking up arms against the legally established order is not, however, tolerated by the Angolan authorities.

No confirmation has been found for suggestions put forward by Amnesty International ⁽¹⁾ that UNITA members are still being arbitrarily detained. The UNHCR office in Luanda is not aware of any such cases of arbitrary detention either.

⁽¹⁾ See the fifth paragraph on page 7 of the letter of 5 May 1997.

Within UNITA, practically no criticism of the leadership by members is tolerated. Should anyone feel under threat in UNITA territory as a result, it is usually possible to resettle in government-controlled territory. In a few recent cases involving UNITA members in senior positions, this has in fact happened. In an interview in the Angolan newspaper "Jornal de Angola", Mr Manuvakola, who as Secretary-General was instructed by Savimbi to sign the Lusaka Protocol on UNITA's behalf, reported having fled from UNITA headquarters in Bailundo. He arrived in Luanda in late August. He stated that, after signing the Lusaka Protocol, he was stripped of all his posts within UNITA and placed under house arrest along with his family.

3.2. Members or supporters of Cabinda separatist movements

There is no reason to believe that members or supporters of Cabinda liberation movements advocating secession from Angola are persecuted by the Angolan authorities, provided they are only active politically and not militarily. Although it is not inconceivable that the security services keep an eye on their activities, mere membership of such an organisation is no reason for people to be arrested.

3.3. Critics

Anyone who from a social position of some standing (e.g. as a journalist, trade union leader, human rights activist or doctor) in Angola publicly (and in a manner known to the authorities) voices substantiated criticism of the Angolan government, the MPLA or certain social ills can expect to face repercussions from the Angolan authorities. These range from bureaucratic harassment to serious threats. There are even two known cases of assassination attempts ⁽¹⁾.

4. Repatriation

4.1. Voluntary repatriation of Angolan refugees from neighbouring countries

Although the government and the UNHCR do not as yet advocate any organised repatriation of Angolan refugees to Angola, until government authority has been established throughout the country, refugees appear already to be starting to return of their own accord. According to the UNHCR, 73 000 of the 300 000 to 400 000 refugees have now returned from surrounding countries of their own free will. In 1997, for instance, around 10 000 Angolan refugees returned from Zambia to Moxico province, which is largely UNITA-administered ⁽²⁾. In the corresponding period of 1996 around 4 000 refugees returned.

With UNHCR assistance, a number of schools and health centres have now been repaired and staff to work at them given basic training. On both sides of the demarcation line between government and UNITA territory, returnees are themselves investing in housing and trade is on the increase.

⁽¹⁾ In January 1995 the editor in chief of the independent newsletter "Imperial Fax" was murdered. The murder remained unsolved, as did the murder of a television journalist, António Casmiro, in Cabinda in October 1995.

⁽²⁾ As reported by Reuters on 11 July 1997.

4.2. Enforced repatriation of asylum seekers whose applications have been rejected

Discussions with the Angolan authorities have shown them ready to take back rejected asylum seekers. They do not make any distinction between voluntary departure and expulsion, provided they have established that those concerned are Angolan nationals. This also applies to rejected unaccompanied minors seeking asylum. Other western countries' experience has shown that unaccompanied minors repatriated could mostly on their return be reunited with their relatives, thus obviating the need for them to be looked after by any official body.

For looking after unaccompanied minors, the Angolan authorities are dependent upon NGOs. The authorities themselves have no facilities for the purpose. NGOs are only prepared to look after unaccompanied minors returning of their own free will (see section 4.3).

There is nothing to suggest that on their return rejected Angolan asylum seekers face any difficulties with the Angolan authorities at Luanda airport. The Netherlands embassy in Luanda has recently monitored the enforced repatriation of three finally rejected asylum seekers at Luanda airport; everything passed off smoothly.

Enquiries have been made of a number of European countries as to their policy on expulsion of finally rejected Angolan asylum seekers. The following details emerged. In 1996, 15 people from Angola sought asylum in *Sweden*. None of them was granted refugee status. Five were repatriated to Angola. *Belgium* repatriated 11 finally rejected Angolan asylum seekers to Luanda in 1996. *France* expelled 50 Angolans to Angola in 1996 and 15 in the first few months of 1997. They included a small number of asylum seekers. *Germany* repatriated 95 people to Angola in 1996 and 16 in the first four months of 1997. How many of them were rejected asylum seekers is not known. The *United Kingdom* repatriated 50 finally rejected Angolan asylum seekers in 1996. For the first four months of 1997 the figure was 25.

The embassies in question were not aware of any problems experienced by the repatriated asylum seekers upon arrival. None of the above countries sees any reason in the present situation in Angola for rejected asylum seekers not to be repatriated or for particular categories of them to be excluded from expulsion.

Attached is a copy of a letter of 9 January 1998 from the UNHCR in Geneva, giving the UNHCR's official position on repatriation of rejected asylum seekers to Angola.

4.3. Encouragement of voluntary return

The Angolan authorities take a favourable view of the approach proposed by the Netherlands to assist rejected asylum seekers returning voluntarily with their reintegration by drawing on development cooperation funds. A cooperation protocol between Angola and the Netherlands was signed on 25 September 1997. Under it, specific arrangements are also to be made for the reception, monitoring and reintegration of unaccompanied minors seeking asylum who return voluntarily. Some NGOs working in Angola have expressed a willingness to assist with this. The Minister for Development Cooperation and the State Secretary for Justice submitted the cooperation protocol of 25 September 1997 to the speaker of the lower house of parliament in the Netherlands in a letter of 9 October 1997.

5. Conclusion

The *general picture* in Angola is still not very bright. Although there are some positive developments to be seen, such as the establishment of a government of national unity and reconciliation, the taking up by UNITA of its seats in parliament and the cautious reconstruction under way in government-controlled territory, failure to complete the peace process continues to give rise to uncertainty. Time will tell how UNITA reacts to the imposing of sanctions on it and whether its response adversely affects the further progress of the peace process.

The *human rights picture* in Angola remains worrying. Human rights violations stem mainly from state authority not yet having been established throughout the country, the continuing poor economic situation (unlawful behaviour by the police and banditry) and deep distrust between MPLA and UNITA members. Those who from a social position of some standing openly voice serious criticism of the Angolan government risk drawing attention to themselves and can then expect to face repercussions from the authorities. There is no evidence of human rights violations being perpetrated against particular population groups as such.

There is not at present anything to suggest that general persecution of UNITA supporters is still practised. Action is, however, taken against those who resist the legally established order by force of arms. Supporters of and activists from the various Cabinda liberation movements who are not militarily but only politically active do not, so far as is known, face persecution by the government. It is not inconceivable that the security services keep an eye on their activities.

The general picture to emerge of the situation in Angola thus remains problematic. However, there is nothing to suggest that rejected Angolan asylum seekers returning home face any greater problems (as a result of the security situation and shortcomings in the rule of law) than do the people of country generally.

FOR THE MINISTER FOR FOREIGN AFFAIRS
The Director for Movements of Persons, Migration and Consular Affairs

(s.) H.H. Siblesz

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9 January 1998

Notre/Dur code: EXT 3.1 NET

Dear Mr Linscheer,

With reference to your fax of 18 November 1997, no. gev/hum-1574/97 regarding forced return of Angolan rejected asylum seekers, and our subsequent telephone conversations on the issue, I have the honour to transmit herewith UNHCR's response.

1. The situation in Angola is directly linked to the peace process which has at times moved forward, at other moments stagnated. Significant steps were made by both parties, the following being the most important:

- enactment of an amnesty law;
- adoption of the Constitution of the Government of Unity and National Reconciliation;
- constitution of the National Army;
- taking of seats in Parliament by UNITA deputies;
- special status accorded to the leader of UNITA;
- ongoing extension of the state administration throughout the country.

2. In mid October 1997, the Angolan Government advised UNHCR that repatriation could be initiated in areas where the re-establishment of state administration was completed. To date, state administration has been installed in most of the returnee areas such as Mbanza Congo (Zaire province), Uige, Negage (Uige province), Luau (Moxico province).

.../2

Mr. L. Linscheer
First Secretary
Permanent Mission of the Kingdom of Netherlands
to the United Nations Office at Geneva

cc: MM/MS Andreassen (FROO), Feller (PROO), Fortin (EAO3), Lunshof (EAO1),
Okello (PRO8) (c/w), Ouellet (AF05), Paul (EA00)
LO The Hague, RO Pretoria, BO Luanda
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3. Despite the tense atmosphere resulting from the sanctions against UNITA following Security Council resolution 1135 of 29 October 1997, the implementation of the extension of state administration, which has become the corner stone of the peace process, has resumed. The return of displaced persons to their municipalities of origin is still continuing and the next possible meeting between President Santos and the UNITA leader is likely to create further favourable conditions for national reconciliation.

4. The situation in Angola with regard to the presence of the opposition members, particularly of UNITA members and sympathizers, is relatively calm. Ministers, members of Parliament, members of the UN Joint Commission and defectors or ex-soldiers of UNITA are living safely in Luanda and to date no major incident has been reported. This is also the case for the Northern and Eastern provinces where around 126,000 returnees have spontaneously repatriated, mainly from the DRC and Zambia since 1995.

5. Although UNHCR is not in a position to confirm that no UNITA sympathizers/members are persecuted and while the ups and downs of the peace process continue (the meeting between the President and the UNITA leader has not yet taken place), it is UNHCR's opinion that rejected asylumseekers who are UNITA sympathizers/members may now be repatriated subject to preliminary arrangement with the UNHCR Office in Luanda to organize reception at the airport with representatives of the Government. In this context UNHCR appreciates the contacts that have taken place in Luanda between UNHCR and representatives of the Netherlands Government regarding procedures for the voluntary repatriation of rejected asylum seekers from the Netherlands and assistance for their reintegration.

Please do not hesitate to contact us for any further information that may be required.

Yours sincerely,

Geldolph A. Everts
Deputy Head
Funding and Donor Relations Service